



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Dessert Seed Company, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (7 U.S.C. 2321 ET SEQ.)

ONION

'Early Grand PRR'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 30th day of July in the year of our Lord one thousand nine hundred and eighty-one.

Attest:

*[Signature]*

Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*[Signature]*  
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
GRAIN DIVISION  
PLANT VARIETY PROTECTION OFFICE  
NATIONAL AGRICULTURAL LIBRARY  
BELTSVILLE, MARYLAND 20705

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse. Use plain language. However, if the applicant describes "MO." as

|  |                           |  |      |                                   |  |
|--|---------------------------|--|------|-----------------------------------|--|
| 1a. TEMPORARY DESIGNATION OR SEED VARIETY NAME   |                           | 1b. VARIETY NAME   |      | FOR OFFICIAL USE ONLY             |  |
| Early Grand PRR  |                           | Same   |      | 8000161                           |  |
| 2. KIND NAME   | 3. GENUS AND SPECIES NAME | FILING DATE  | TIME | A.M. P.M.                         |  |
| ONION  | ALLIUM CEPA               | 9/29/80  | 1:00 |                                   |  |
| 4. FAMILY NAME (BOTANICAL)   | 5. DATE OF DETERMINATION  | FEE RECEIVED FOR DATE  |      |                                   |  |
| LILIACEAE  | August 1980               | 500.00 9/29/80   |      |                                   |  |
| 6. NAME OF APPLICANT(S)  |                           | 7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) |      | 8. TELEPHONE AREA CODE AND NUMBER |  |
| DESSERT SEED COMPANY, INC.   |                           | P.O. Box 181<br>El Centro, CA 92243                                  |      | (714)<br>352-2081                 |  |
| 9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.)   |                           | 10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION            |      | 11. DATE OF INCORPORATION         |  |
| DESSERT SEED COMPANY, INC.   |                           | CA 1955  |      | 1955                              |  |
| 12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:  |                           |  |      |                                   |  |
| A. M. Dessert<br>c/o DESSERT SEED COMPANY, INC.<br>13P   |                           |  |      |                                   |  |
| 13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:   |                           |  |      |                                   |  |
| <input checked="" type="checkbox"/> 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)   |                           |  |      |                                   |  |
| <input checked="" type="checkbox"/> 13B. Exhibit B, Novelty Statement  |                           |  |      |                                   |  |
| <input checked="" type="checkbox"/> 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)  |                           |  |      |                                   |  |
| <input checked="" type="checkbox"/> 13D. Exhibit D, Additional Description of the Variety.   |                           |  |      |                                   |  |
| 14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a). If Yes, answer 14B and 14C below.)   |                           |  |      |                                   |  |
| 14B. Does the applicant(s) specify that this variety be limited as to number of generations?   |                           |  |      |                                   |  |
| 14C. If Yes, to 14B, how many generations of production beyond breeder seed?   |                           |  |      |                                   |  |
| 15. Does the applicant(s) agree to the publication of his/her (their) name(s) and address in the Official Journal?   |                           |  |      |                                   |  |
| 16. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.  |                           |  |      |                                   |  |
| The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act. |                           |  |      |                                   |  |

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

9-2-80  
(DATE)[Signature]  
(SIGNATURE OF APPLICANT)

| FORM GR-470 (Reverse)  |  | DATE                         |                             | SIGNATURE OF APPLICANT              |                                     |                                    |
|--|--|------------------------------|-----------------------------|-------------------------------------|-------------------------------------|------------------------------------|
|  |  | SEP 2 9 1980                 |                             |                                     |                                     |                                    |
|  |  | DATE                         |                             | SIGNATURE OF APPLICANT              |                                     |                                    |
| <p>Applicant(s) is (are) informed that false representation of facts regarding protection and result in penalties.</p> <p>Non of the Plant Variety Act.</p> <p><b>GENERAL:</b> Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, National Agricultural Library, Beltsville, Maryland 20705.</p> <p>(See Section 180.175 of the Regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.</p> <p>1e. Print the applicant's name to the application of his/her (their) name(s) and address in the Official Journal.</p> |  |                              |                             |                                     |                                     |                                    |
| ITEM   |  | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> FOUNDATION | <input type="checkbox"/> REGISTERED | <input type="checkbox"/> CERTIFIED |
| 14b. Does the applicant give the date the applicant determined that he had   |  |                              |                             |                                     |                                     |                                    |
| 14a. Does the applicant (1) a new variety based on (1) the definition in Section 41 (a) of the Act and (2) the date a decision was made to increase the seed.  |  |                              |                             |                                     |                                     |                                    |
| 13d. Exhibit D: Additional Description of the Variety.   |  |                              |                             |                                     |                                     |                                    |
| 13a. Give (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication.   |  |                              |                             |                                     |                                     |                                    |
| 13. CHECK BOX BEFORE AND STATE HOW THESE VARIANTS MAY BE IDENTIFIED AND (4), evidence of stability.  |  |                              |                             |                                     |                                     |                                    |
| 13b. Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties; (1) identify these varieties and state all differences objectively; (2) Attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.   |  |                              |                             |                                     |                                     |                                    |
| 13c. Fill in the Exhibit C: Objective Description form for all characteristics, for which you have adequate data.  |  |                              |                             |                                     |                                     |                                    |
| 13d. Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe; such as; plant habit, plant color, disease resistance, etc.   |  |                              |                             |                                     |                                     |                                    |
| 14a. If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled or published or the certificate has been issued. However, if the applicant specifies "NO", he may change his choice. (See Section 180.15 of the Regulations and Rules of Practice.)   |  |                              |                             |                                     |                                     |                                    |

BELTSVILLE, MARYLAND 20705  
 NATIONAL AGRICULTURAL LIBRARY  
 PLANT VARIETY PROTECTION OFFICE  
 GRAIN DIVISION  
 AGRICULTURAL MARKETING SERVICE  
 UNITED STATES DEPARTMENT OF AGRICULTURE

OMB NO. 40-53712  
 FORM APPROVED

Revised Exhibit A  
received 11/12/80 - CAB.

EXHIBIT A  
ORIGIN AND BREEDING HISTORY OF THE VARIETY  
EARLY GRAND PRR

\*

EARLY GRAND IS THE EARLIEST SELECTION FROM OUR YELLOW GRANO FIELD. THE BREEDING PROGRAM OF EARLY GRAND STARTED FROM 1969. FROM 1969-1971 SELECTIONS OF EARLY MATURE BULBS WITH DESIRABLE CHARACTERISTICS WERE MADE FROM OUR YELLOW GRANO FIELD, AND SELFINGS WERE CONDUCTED IN THE BREEDING BLOCK. EARLY GRAND MATURES AROUND THREE WEEKS EARLIER THAN THE YELLOW GRANO SUCH AS TEXAS EARLY GRANO #502. DUE TO THE SHORT GROWING PERIOD, THE BULB IS SLIGHTLY SMALLER THAN THE REGULAR GRANO. HOWEVER, EARLINESS IS CONSIDERED TO BE A VERY IMPORTANT FACTOR IN COMMERCIAL ONION PRODUCTION. EARLY GRANO IS THE EARLIEST YELLOW GRANO TYPE ONION FOR THE MARKET. THE ONLY DRAWBACK IS ITS SUSCEPTIBILITY TO PINK ROOT DISEASE (PYRENOCHAETA TERRESTRIS). TO INCORPORATE RESISTANCE IT WAS NECESSARY TO CROSS IN SOME VARIETY THAT ALREADY HAD RESISTANCE. WE DECIDED TO USE OUR OTHER EARLY VARIETY YELLOW ACACIA PRR FOR THIS PURPOSE.

- 1972 CROSSES WERE MADE BETWEEN EARLY GRAND AND EARLY ACACIA PRR IN SPRING 1972. THE F-1 SEED WAS PLANTED IN ALL IN THE INCREASE BLOCK.
- 1973 THE F-1 BULBS WERE GROWN IN 1973, HARVESTED AND STORED. SELECTIONS WERE MADE BEFORE PLANTING THEM IN THE BREEDING BLOCK.
- 1974 THE F-1 PLANTS WERE EMASCULATED AND BACKCROSSED TO THE RECURRENT PARENT- EARLY GRAND IN THE BREEDING BLOCK IN SPRING 1974.
- 1975 BULBS OF THE BACKCROSS (EARLY GRAND X EARLY ACACIA PRR) EARLY GRAND WERE GROWN IN 1975, HARVESTED AND STORED. BEFORE PLANTING IN THE BREEDING

\* Letter from A.M. Dessert, 3/23/81, states "Earlier (sic) Grand was originally selected out of 'Texas Early Grano 502' not 'yellow Grano'." - CAB 5/1/81.

*Desert Seed Company, Inc., El Centro, California*

EXHIBIT A

BLOCK IN THE FALL, BULBS WERE SELECTED THAT MOST RESEMBLED THE RECURRENT PARENT.

- 1976 INDIVIDUAL BACKCROSS PLANTS WERE SELFED, USING METAL SCREEN CAGES AND FLIES TO DO THE POLLINATING. THE SELFED BACKCROSS SEED WAS PLANTED IN PINK ROOT INFESTED SOIL IN OCTOBER.
- 1977 THE PINK ROOT READINGS WERE MADE AT THE TIME THE BULBS WERE HARVESTED AFTER THE TOPS HAD JUST FALLEN AND WHILE STILL GREEN. ABOUT ONE HALF OF THE SELFED BACKCROSSES WERE SUSCEPTIBLE AND DISCARDED. THE REMAINING LINES HAD ONE FOURTH OF THE PLANTS RESISTANT AND THREE FOURTHS SUSCEPTIBLE. ONLY THOSE BULBS WERE SAVED THAT WERE RESISTANT AND WERE OF GOOD TYPE. THE BEST BULBS WERE PLANTED THAT FALL IN CAGE 34 FOR INCREASE. THE CAGE WAS 12 X 24 FT. IN SIZE. A HIVE OF BEES WAS USED FOR POLLINATION.
- 1978 ONE POUND AND TEN OUNCES OF SEED WAS HARVESTED FROM CAGE #34 IN THE SPRING. THE SEED WAS PLANTED AGAIN THE PINK ROOT BLOCK IN THE FALL.
- 1979 SECOND SELECTION WAS MADE IN THE PINK ROOT BLOCK. THE SELECTED BULBS WERE PLANTED IN CAGE #54 FOR INCREASE. ONE POUND AND TWELVE OUNCES OF SEED WAS OBTAINED FROM CAGE #54 IN SPRING 1980.

THIS ONION IS STABLE DURING EACH CYCLE OF THE REPRODUCTION AND THERE ARE NO VARIANTS.

Rose



# Dessert Seed Company, Inc.

GROWERS OF SEED

PAT. NO. 427936

MAIN OFFICE

P.O. BOX 181, EL CENTRO, CALIFORNIA 92243  
TELEPHONE 714-352-2081

CABLE ADDRESS  
"DESSEED"

TWX #Desseedco ELC 910-322-1314

Ms. C. Rose Broome  
Examiner, U.S. Dept. of Agriculture  
National Agricultural Library Bldg.  
Beltsville, MD 20705

March 23, 1981

**-NOTICE-**

DISCLAIMER OF ALL WARRANTIES AND AGREEMENT TO LIMIT DAMAGES - Seed sold by Dessert Seed Company, Inc. is sold "As Is" without warranty either expressed or implied. Specifically, DESSERT SEED COMPANY, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The description of the seed set forth on tags, invoices and contract is believed to be accurate, however, because of the difficulties of identifying types or varieties or strains of seed by visual observation, DESSERT SEED COMPANY, INC. EXPRESSLY DISCLAIMS ANY WARRANTY THAT THE SEEDS SOLD CONFORM TO THE DESCRIPTION. ANY LIABILITY OF DESSERT SEED COMPANY, INC. IS LIMITED IN AMOUNT TO THE PURCHASE PRICE OF THE SEED AND THIS WILL BE THE BUYER'S EXCLUSIVE REMEDY UNDER ALL CIRCUMSTANCES, including but not limited to negligence, errors, omissions, mixed lots, wrong variety, performance of the seed or poor germination. These seeds are sold at the price quoted only upon the condition that the above disclaimer of warranty and the limitation of damages are part of the basis of the bargain. Seeds not accepted under these terms should be returned at once in the original unopened container and buyer should immediately request a price quotation which includes such warranties as the basis of the bargain. By accepting delivery of these seeds, buyer and all other persons coming into possession of these seeds agree to the above terms. DESSERT SEED COMPANY, INC.

Dear Ms. Broome:

I have your letter of March 13 and I will try to answer all of your questions. First, Early Grand PRR is pinkroot resistance where Early Top is not.

Second, the top on Early Top stands more upright and the top of Early Grand are more true grano type with sloppy big leaf.

Third, the Early Grand are earlier in maturity.

Earlier Grand was originally selected out of Texas Early Grano 502 not Yellow Grano. We are still working with Yellow Grano but we have about 8 or 9 varieties of this that we are constantly crossing and re-selecting for newer material.

Revised Exhibit B  
CMB

You are correct in assuming that Early Grand PRR would be more similar to Texas Early Grano 502 PRR, the main difference is that Early Grand as we have stated is around two weeks earlier. This is easier to see if they are planted side by side and are ready to harvest. Early Grand being earlier mature will not make quite as large an onion as the Texas Grano 502 PRR. I hope this answers all your questions.

Yours very truly,

DESSERT SEED COMPANY, INC.

A. M. Dessert  
Vice-President, Prod.

MEMBER

AMERICAN SEED TRADE ASSN.  
SOUTHERN SEEDMEN'S ASSN.  
PACIFIC STATES SEEDMEN'S ASSN.

GROWERS OF THE FOLLOWING SEEDS  
ASPARAGUS, BEET, BROCCOLI,  
CABBAGE, CANTALOUPE, CARROT,  
CAULIFLOWER, CELERY, CHICORY,  
COLLARDS, CUCUMBER, ENDIVE,  
HERBS, KOHLRABI, LETTUCE, LEEK,  
MELON, MUSTARD, OKRA, ONION,  
PARSLEY, RADISH, SQUASH, TOMATO,  
TURNIP, AND WATERMELON, ALFALFA,  
CLOVER, GRASSES FLOWER SEED  
GROWERS

AD/db

OBJECTIVE DESCRIPTION OF VARIETY

ONIONS (ALLIUM CEPA L.)

REFERENCES: See Reverse.

NAME OF APPLICANT(S)

FOR OFFICIAL USE ONLY

DESSERT SEED COMPANY, INC.

PVPO NUMBER

8000161

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

VARIETY NAME OR TEMPORARY DESIGNATION

Early Grand PRR

P.O. BOX 181  
El Centro, CA 92243

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

1. TYPE:

1 = BULB 2 = BUNCHING  1 = SHORT DAY 2 = LONG DAY

TO  DEGREES MEAN LATITUDE - ADAPTATION RANGE

Maturity (days): 1 = EARLY (75 - 90) 2 = MEDIUM (100 - 120) 3 = LATE ( > 130)

2. PLANT

CM. HEIGHT ABOVE SOIL LINE TO HIGHEST POINT OF ANY FOLIAGE

CM. TALLER THAN Excel Yellow <sup>Bermuda</sup> (Comparable variety)

CM. SHORTER THAN Grano 502 (Comparable variety)

1 = ERECT (Spartan Gem) 2 = INTERMEDIATE 3 = FLOPPY (Epoch)

3. LEAF:

CM. LONG (before maturity yellowing begins)

MM. WIDE  MM. THICK AT MIDLENGTH OF LONGEST LEAF

Color: 1 = LIGHT GREEN (Early Grano) 2 = MEDIUM GREEN (Yellow Bermuda)  
3 = BLUE GREEN (Australian Brown U.C. No. 1)

Bloom: 1 = NONE - glossy 2 = LIGHT (Early Grano) 3 = MEDIUM (Crystal Wax) 4 = HEAVY (California Early Red)

4. SHEATH:

MM. COLUMN LENGTH (Height from soil line to base of lowest succulent leaf)  MM. DIAMETER AT MIDLENGTH

Scape: CM. FROM SOIL LINE TO BASE OF INFLORESCENCE

Scape: MM. DIAMETER AT MIDLENGTH

5. INFLORESCENCE:

Umbel (for seed production)

MAXIMUM NO. PER PLANT  MINIMUM NO. PER PLANT  AVERAGE NO. PER PLANT

MM. DIAMETER  1. COMPACT 2 = LOOSE/OPEN 3 = SHAGGY

Spathe: 1 = LONG BEAK 2 = SHORT BEAK  Flower Color: 1 = WHITE 2 = GREEN 3 = BRIGHT GREEN

MM. ANTHOR LENGTH

Anthor Color: 1 = LIGHT GREEN 2 = DARK GREEN 3 = YELLOW 4 = PALE YELLOW 5 = CHOCOLATE 6 = RED

Pollen Viability: 1 = STERILE 2 = FERTILE  Sepal Shape: 1 = LONG POINTED 2 = ROUND SHORT

## 6. BULB:

AVERAGE NUMBER BULBS PER METER

Size (Harvest): 1 = SMALL (Red Creole) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = LARGE (Early Grano)

Shape (see attached chart): 1 = GLOBE (White Sweet Spanish) 2 = DEEP GLOBE (Abundance)  
3 = FLT. GLOBE (Australian Brn. U.C. No. 1) 4 = TOP SHAPE (Texas Grano 502)  
5 = DEEP FLAT (Granex) 6 = THICK FLAT (Ebenezer)  
7 = FLAT (Crystal Wax) 8 = TORPEDO-LONG OVAL (Italian Red)

CM. HEIGHT ÷   CM. DIAMETER = 1.2 SHAPE INDEX

1 = INVAGINATE 2 = EVAGINATE

Color (Skin): 01 = BROWN (Australian Brn. U.C. No. 1) 02 = PURPLISH RED (Italian Red)  
03 = BUFF RED (Red Creole) 04 = PINKISH YELLOW (Ebenezer)  
05 = BROWNISH YELLOW (Mt. Danvers) 06 = DEEP YELLOW (Brigham Yellow Globe)  
07 = MEDIUM YELLOW (Early Yellow Globe) 08 = PALE YELLOW (Yellow Bermuda)  
09 = WHITE (White Sweet Spanish) 10 = OTHER (Specify) \_\_\_\_\_

Color (Interior): 1 = PINK 2 = RED 3 = PURPLISH-RED 4 = WHITE  
5 = CREAM 6 = LIGHT GREEN-YELLOW 7 = DARK GREEN-YELLOW

Scales: 1 = FEW (Crystal Wax) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = MANY (Sweet Spanish)

Scales: 1 = THICK (Australian Brown U.C. No. 1) 2 = MEDIUM (Red Creole) 3 = THIN (Crystal Wax)

Scale Retention: 1 = VERY GOOD (Australian Brn. U.S. No. 1) 2 = GOOD (Ebenezer)  
3 = FAIR (Red Wethersfield) 4 = POOR (Crystal Wax)

Pungence: 1 = MILD (Early Grano) 2 = MEDIUM (Crystal Wax) 3 = STRONG (White Creole)

Storage: 1 = GOOD (Ebenezer) 2 = FAIR (Yellow Globe Danvers) 3 = POOR (Crystal Wax)

## 7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BLACK MOLD  NECK ROT  PURPLE BLOTCH  SMUT  
 MILDEW  PINK ROOT  SMUDGE  YELLOW DWARF

## 8. INSECT RESISTANCE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

THRIP  OTHER (Specify) \_\_\_\_\_

## 9. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

| CHARACTER                 | NAME OF VARIETY        | CHARACTER   | NAME OF VARIETY        |
|---------------------------|------------------------|-------------|------------------------|
| Leaf Height               | TEXAS EARLY GRAND #502 | Flower Ball | TEXAS EARLY GRAND #502 |
| Leaf Color                | TEXAS EARLY GRAND #502 | Bulb Color  | TEXAS EARLY GRAND #502 |
| Leaf Bloom/Wax            | TEXAS EARLY GRAND #502 | Bulb Size   | TEXAS EARLY GRAND #502 |
| Flower Stalk              | TEXAS EARLY GRAND #502 | Bulb Shape  | TEXAS EARLY GRAND #502 |
| Maturity at Same Location | TEXAS EARLY GRAND #502 |             |                        |

## REFERENCES

Jones, H. A. and Mann, L. K. 1963 - Onions and Their Allies, Interscience Publishers, Inc., New York

USDA Misc. Pub. No. 435, 1941 - Descriptions of Types of Principal American Varieties of Onions

Hayward, H. E., 1938 - The Structure of Economic Plants, McMillan, New York (Reprint 1967)

Ag Research, 7 (8):8 - Feb. 1959 - Branding Onion Outcasts

Salem, I. A. 1966 - Inheritance of Onion Bulb Shape, Iowa St. University - PhD thesis



*Dessert Seed Company, Inc., El Centro, California*

EXHIBIT D

DATA INDICATIVE OF NOVELTY

8000161

The pink root resistance extra earliness and the single center of this Onion makes it a novelty and should be a benefit to the Onion industry.

EXHIBIT E

Statement of Basis of Applicants ownership all the work and breeding was done at Dessert Seed Research Farm under the supervision of Dr. Jones under contract of Dessert Seed Company and Dr. Cheng,

8000161

PLANT VARIETY PROTECTION ASSIGNMENT

THIS PLANT VARIETY PROTECTION ASSIGNMENT ("Assignment") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 1994, ("Effective Date"), by and between Sunseeds Ltd., L.P., a Delaware limited partnership, ("Assignor"), and Sunseeds Company (formerly Sunseeds Acquisition Corporation), a Delaware corporation, ("Assignee").

WHEREAS, pursuant to a certain Asset Purchase Agreement dated March 7, 1994, Assignor has agreed to sell to Assignee substantially all of Assignor's assets used in the Assignor's business, including the United States Plant Variety Protection Certificates set forth on Schedule A attached hereto (the "PVP Certificates") and the foreign plant variety registrations set forth on Schedule B attached hereto (the "Foreign Registrations").

WHEREAS, Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the PVP Certificates and Foreign Registrations; and

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the PVP Certificates and Foreign Registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the PVP Certificates and Foreign Registrations, for the United States and for any foreign country, for its own use and enjoyment, and for

the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past, present or future infringement or other unauthorized use of the plants protected by the PVP Certificates and Foreign Registrations, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor authorizes and requests the Department of Agriculture to record Assignee as owner of the PVP Certificates and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor authorizes and requests the Ministero Per Il Coordinamento Delle Politiche Alimentare Gest. Prod. Agricole and any other organization, department or agency with jurisdiction over registration of plant varieties to record Assignee as owner of the Foreign Registrations and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's request (such as the execution and

delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required) in the implementation or perfection of this Assignment.

\* \* \* \* \*

IN TESTIMONY WHEREOF, the undersigned has caused this Assignment to be signed and executed this 31<sup>st</sup> day MARCH, 1994.

Sunseeds Ltd., L.P.

By: Gerald M. Pack

Name: Gerald M. Pack

Title: President/CEO

STATE OF Pennsylvania  
COUNTY OF Allegheny ) SS.

On this 31<sup>st</sup> day of March, 1994, there appeared before me Gerald M. Pack, personally known to me to be the same person whose name is subscribed to the foregoing Assignment and who acknowledged that he signed the foregoing Assignment as his voluntary act and deed for the use and purpose therein set forth.

Sandra K. Pack  
Notary Public

Notarial Seal  
Sandra K. Pack, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires July 26, 1997  
Member, Pennsylvania Association of Notaries

## Assignment

## Schedule A

PLANT VARIETY PROTECTION CERTIFICATES

| <u>Current Record Owner</u>          | <u>PV#</u> | <u>Crop Kind</u> | <u>Name of Variety</u>         | <u>Cert. Issue Date</u> | <u>Expiration Date</u> |
|--------------------------------------|------------|------------------|--------------------------------|-------------------------|------------------------|
| A.L. Castle, Inc.                    | 8100077    | Tomato           | Castlong ug                    | 11/26/82                | 11/26/2000             |
|                                      | 8100078    | Tomato           | Castlerock                     | 11/26/82                | 11/26/2000             |
|                                      | 8200139    | Tomato           | Castle Red                     | 11/26/82                | 11/26/2000             |
| ARCO Seed Co.                        | 7900076    | Onion            | Colossal                       | 10/18/79                | 10/18/96               |
|                                      | 7900086    | Onion            | New Mexico White<br>Grano PRR  | 10/18/79                | 10/18/96               |
|                                      | 7900117    | Onion            | New Mexico Yellow<br>Grano PRR | 1/29/80                 | 1/29/97                |
|                                      | 8000039    | Onion            | Red Sunset                     | 7/31/80                 | 7/31/97                |
|                                      | 8000040    | Onion            | Blanco Duro                    | 7/31/80                 | 7/31/97                |
|                                      | 8000041    | Onion            | Brooks PRR                     | 7/31/80                 | 7/31/97                |
|                                      | 8000159    | Onion            | Texspan PRR                    | 6/11/81                 | 6/11/99                |
|                                      | 8000161    | Onion            | Early Grand PRR                | 7/30/81                 | 7/30/99                |
|                                      | 8100128    | Onion            | Glory                          | 4/28/83                 | 4/28/2001              |
|                                      | 8100129    | Onion            | Paradise                       | 4/28/83                 | 4/28/2001              |
|                                      | 8100130    | Onion            | Regal                          | 4/28/83                 | 4/28/2001              |
|                                      | 8100166    | Onion            | Sweet Winter                   | 11/26/82                | 11/26/2000             |
|                                      | 8300083    | Onion            | Crystal Wax Pickling           | 12/30/83                | 12/30/2001             |
|                                      | 8100001    | Triticale        | Jenkins                        | 2/15/84                 |                        |
|                                      | 8200032    | Triticale        | Grace                          | 11/15/81                |                        |
|                                      | 8100150    | Celery           | Grande                         | 1/13/83                 |                        |
| Sunseeds, Div. of<br>Westseeds, Inc. | 9100045    | Tomato           | Sun 6095                       | 1/31/92                 | 1/31/2010              |
| Sunseeds Genetics, Inc.              | 7600052    | Lettuce          | Chaparral                      | 5/16/77                 | 5/16/94                |
|                                      | 7600053    | Lettuce          | Costaverde                     | 8/24/77                 | 8/24/94                |
|                                      | 7600054    | Lettuce          | Gustaverde                     | 8/24/77                 | 8/24/94                |
|                                      | 7600055    | Lettuce          | Mesaverde                      | 5/31/77                 | 5/31/94                |
|                                      | 7900067    | Lettuce          | Commander                      | 7/26/79                 | 7/26/96                |
|                                      | 8500064    | Tomato           | Mystro                         | 9/30/87                 | 9/30/2005              |
|                                      | 8700194    | Tomato           | Sun 1643                       | 11/29/91                | 11/29/2009             |
|                                      | 8900171    | Cauliflower      | White Diamond                  | 4/18/89                 |                        |
|                                      | 8800057    | Pepper           | Prima Belle                    | 9/30/88                 | 9/30/2006              |
| UF Genetics, Inc.                    | 8300168    | Okra             | Cajun Queen                    | 9/27/85                 | 9/27/2003              |

8000161

O'MELVENY & MYERS

400 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-2899  
TELEPHONE (213) 669-6000  
FACSIMILE (213) 669-6407

EMBARCADERO CENTER WEST  
275 BATTERY STREET  
SAN FRANCISCO, CALIFORNIA 94111-3305  
TELEPHONE (415) 984-8700  
FACSIMILE (415) 984-8701

1999 AVENUE OF THE STARS  
LOS ANGELES, CALIFORNIA 90067-6035  
TELEPHONE (310) 553-6700  
FACSIMILE (310) 246-6779

610 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CALIFORNIA 92660-6429  
TELEPHONE (714) 760-9600  
FACSIMILE (714) 669-6994

555 13TH STREET, N.W.  
WASHINGTON, D. C. 20004-1109

TELEPHONE (202) 383-5300  
TELEX 89622 • FACSIMILE (202) 383-5414

March  
16th  
1995

CITICORP CENTER  
153 EAST 53RD STREET  
NEW YORK, NEW YORK 10022-4611  
TELEPHONE (212) 326-2000  
FACSIMILE (212) 326-2061

ONE GATEWAY CENTER  
NEWARK, NEW JERSEY 07102  
TELEPHONE (201) 639-8600  
FACSIMILE (201) 639-8630 • 639-8631

10 FINSBURY SQUARE  
LONDON EC2A 1LA  
TELEPHONE (0171) 256-8451  
FACSIMILE (0171) 636-8205

SANBANCHO KB-6 BUILDING  
6 SANBANCHO, CHIYODA-KU  
TOKYO 102  
TELEPHONE (03) 3239-2800  
FACSIMILE (03) 3239-2432

1104 LIPPO TOWER  
LIPPO CENTRE  
89 QUEENSWAY, CENTRAL  
HONG KONG  
TELEPHONE (852) 523-8266  
FACSIMILE (852) 522-1760

OUR FILE NUMBER  
410,894-14  
DC1-211237.V1

WRITER'S DIRECT DIAL NUMBER

(202) 383-5350

**VIA FEDERAL EXPRESS**

Plant Variety Protection Office  
U.S. Department of Agriculture  
NAL Building, Room 500  
10301 Baltimore Boulevard  
Beltsville, Maryland 20705-2351

Attn: Ms. Ann K. Zempolich

Re: **Assignment of Plant Variety Protection Certificates  
Owned by Sunseeds Company to Internationale  
Nederlanden (U.S.) Capital Corporation, as agent for  
the Lenders party to the Amended and Restated Credit  
Agreement Referred to Below**

Dear Ladies and Gentlemen:

Enclosed please find an originally executed copy of each of (i) the Amended and Restated Security Agreement (the "Security Agreement") dated as of March 14, 1995 by and between Sunseeds Company, a Delaware corporation (formerly known as Sunseeds Acquisition Corporation) ("Sunseeds"), and Internationale Nederlanden (U.S.) Capital Corporation, a Delaware corporation ("ING"), as agent for the Lenders party to the Amended and Restated Credit Agreement referred to below (in such capacity, the "Agent") and (ii) the Amended and Restated Plant Variety Certificates Collateral Assignment (the "Assignment") dated as of March 14, 1995 by and among Lehman Commercial Paper Inc., a New York corporation ("Lehman"), ING, as Agent, and Sunseeds. The Security Agreement and Assignment are provided for recordation of the assignment to ING, as Agent, of the 26 plant variety protection certificates ("PVPCs") listed in Schedule I of the Assignment in accordance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

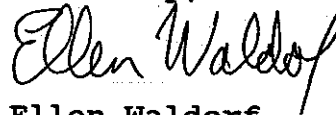
The PVPCs subject to the Assignment were assigned to Lehman, as agent for the lenders party to that certain Credit Agreement (the "Original Credit Agreement") dated as of March 31, 1994 by and among Sunseeds, Sunseed Corporation, a Delaware corporation (the Co-Borrower"), Lehman, as agent, and the lenders

listed therein, pursuant to that certain Plant Variety Certificates Collateral Assignment (the "Original Assignment") dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for such lenders. The Original Credit Agreement was amended and restated pursuant to that certain Amended and Restated Credit Agreement dated as of March 14, 1995 by and among Sunseeds, the Co-Borrower, the Lenders, ING, as Agent, and Lehman, to provide for, among other things, the resignation of Lehman as agent and the appointment of ING as successor agent thereto. In connection therewith, the Security Agreement and the Assignment were entered into to amend and restate that certain Security Agreement dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for the lenders party to the Original Credit Agreement, and the Original Assignment and to reflect the appointment of ING as Agent.

From my telephone conversations with Ms. Ann K. Zempolich and Dr. Kenneth H. Evans of your office, it is my understanding that you will file a copy of this entire cover letter and a copy of Schedule I in the folder of each PVPC listed in Schedule I by placing the copies immediately behind each PVPC in order to notify anyone examining these PVPCs of ING's interest, as agent, in them and refer the examiner to the Security Agreement and Assignment filed in the Assignment Drawers of the Plant Variety Protection Office. Please take this action and any other steps necessary and appropriate to record the assignment in compliance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

To acknowledge your receipt of this letter, the Security Agreement and Assignment, please sign the enclosed copy of this letter on the designated signature line and return the signed copy to me in the enclosed prepaid Federal Express envelope. Thank you for your assistance.

Sincerely,



Ellen Waldorf  
for O'MELVENY & MYERS

EW/pt  
Enclosure



# SCHEDULE I

## PVPCs

### COLLATERAL ASSIGNMENT - PLANT VARIETY PROTECTION CERTIFICATES

| PV#     | Crop Kind | Name of Variety             | Certificate Issue Date | Expiration Date |
|---------|-----------|-----------------------------|------------------------|-----------------|
| 8100077 | Tomato    | Castlong ug                 | 11/26/82               | 11/26/2000      |
| 8100078 | Tomato    | Castlerock                  | 11/26/82               | 11/26/2000      |
| 8200139 | Tomato    | Castle Red                  | 11/26/82               | 11/26/2000      |
| 7900076 | Onion     | Colossal                    | 10/18/79               | 10/18/1996      |
| 7900086 | Onion     | New Mexico White Grano PRR  | 10/18/79               | 10/18/1996      |
| 7900117 | Onion     | New Mexico Yellow Grano PRR | 01/29/80               | 01/29/1997      |
| 8000039 | Onion     | Red Sunset                  | 07/31/80               | 07/31/1997      |
| 8000040 | Onion     | Blanco Duro                 | 07/31/80               | 07/31/1997      |
| 8000041 | Onion     | Brooks PRR                  | 07/31/80               | 07/31/1997      |
| 8000159 | Onion     | Texspan PRR                 | 06/11/81               | 06/11/1999      |
| 8000161 | Onion     | Early Grand PRR             | 07/30/81               | 07/30/1999      |
| 8100128 | Onion     | Glory                       | 04/28/83               | 04/28/2001      |
| 8100129 | Onion     | Paradise                    | 04/28/83               | 04/28/2001      |
| 8100130 | Onion     | Regal                       | 04/28/83               | 04/28/2001      |
| 8100166 | Onion     | Sweet Winter                | 11/26/82               | 11/26/2000      |
| 8300083 | Onion     | Crystal Wax Pickling        | 12/30/83               | 12/30/2001      |
| 9100045 | Tomato    | Sun 6095                    | 01/31/92               | 01/31/2010      |
| 7600052 | Lettuce   | Chaparral                   | 05/16/77               | 05/16/1994      |
| 7600053 | Lettuce   | Costaverde                  | 08/24/77               | 08/24/1994      |
| 7600054 | Lettuce   | Gustaverde                  | 08/24/77               | 08/24/1994      |
| 7600055 | Lettuce   | Mesaverde                   | 05/31/77               | 05/31/1994      |
| 7900067 | Lettuce   | Commander                   | 07/26/79               | 07/26/1996      |
| 8500064 | Tomato    | Mystro                      | 09/30/87               | 09/30/2005      |
| 8700194 | Tomato    | Sun 1643                    | 11/29/91               | 11/29/2009      |
| 8800057 | Pepper    | Prima Belle                 | 09/30/88               | 09/30/2006      |
| 8300168 | Okra      | Cajun Queen                 | 09/27/85               | 09/27/2003      |

Each of the above-referenced Plant Variety Protection Certificates are owned by Sunseeds Company (formerly known as Sunseeds Acquisition Corporation), a Delaware corporation.